

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:03-CR-14-H

UNITED STATES OF AMERICA,)
)
)
)
)
v.)
)
)
EMMANUEL JEROME GARDNER,)
)
)
Defendant.)
)

ORDER

This matter is before the court on three motions filed by defendant pro se: (1) motion to alter or amend judgment, (2) motion for leave to proceed in forma pauperis, and (3) motion for transcript of proceedings.

As to the motion to alter or amend, the court has reviewed this matter and finds no reason to alter or amend its prior order. Therefore, the motion to alter or amend [DE #54] is DENIED. As to the motion for transcripts, the defendant has not shown a compelling need for these transcripts; therefore, the motion for transcripts at government expense [DE #56] is DENIED.

Defendant filed a notice of appeal on November 18, 2001, and seeks permission to proceed *in forma pauperis*. In March

2003, defendant was found to be eligible for the appointment of counsel as an indigent defendant. Defendant has been in custody since that time and, according to defendant's motion, has not received any income (other than perhaps small gifts from family to his trust account) within the past twelve months. Defendant further represents that he does not own any cash or checking or savings accounts, real estate, stocks, bonds, notes, automobiles, or other valuable property. The court determines that defendant is indigent and therefore GRANTS defendant's motion to appeal in forma pauperis [DE #55].

This 27 th day of December 2011.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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